

ANAND ET AL.
Appl. No. 10/563,042
Atty. Ref.: 620-406
Amendment
Monday, June 8, 2009

REMARKS

Reconsideration is requested.

The specification has been revised to include the attached Sequence Listing.

The attached paper and computer readable copies of the Sequence Listing are the same. No new matter has been added.

The specification has been revised to include sequence identifiers corresponding to the sequences of the Sequence Listing. No new matter has been added.

Withdrawal of the objection to the specification is requested.

Claims 1-32 are pending. Claims 10-32 have been withdrawn from consideration.

The Section 103 rejection of claims 1-5, 8 and 9 over Hauf et al. ("The small molecule Hesperadin reveals a role for Aurora B in correcting kinetochore-microtubule attachment and in maintaining the spindle assembly checkpoint" The Journal of Cell Biology, Volume 161, No. 2, April 28, 2003, 281-294) "as evidenced by" Anand et al ("AURORA-A amplification overrides the mitotic spindle assembly checkpoint, inducing resistance to Taxol" which published in Cancer Cell, January 2003, volume 3, pp 51-62) is traversed. The Section 103 rejection of claim 6 over Hauf "as evidenced by" Anand and in view of Slamon (NEJM (2001) 344 (11) 783-792) "as evidenced by" Lange (EMBO (2002) 21 (20) 5364-5374) is traversed. The Section 103 rejection of claim 7 over Hauf "as evidenced by" Anand and in view of Obermiller (Breast Cancer Res (2002) 2 28-31) "as evidenced by" Lange (EMBO (2002) 21 (20) 5364-5374) is traversed.

ANAND ET AL.
Appl. No. 10/563,042
Atty. Ref.: 620-406
Amendment
Monday, June 8, 2009

Reconsideration and withdrawal of the rejections are requested in view of the following and the attached Rule 132 Declaration and the attached Rule 131 Declaration.

The attached Rule 132 Declaration demonstrates that the disclosure of Anand et al., to the extent the document describes the claimed invention and/or is relied upon by the Examiner, is the work of the present inventors. Anand et al was published less than a year prior to the U.S. filing date of the present application (i.e., the international filing date of PCT/GB03/02862). Anand et al is not citable against the presently claimed invention.

The attached Rule 131 Declaration demonstrates that the claimed invention, at least to the extent it may be found in the cited Hauf et al., was described in the applicants earlier published Anand et al. Anand et al therefore establishes the applicants prior invention. The Anand et al disclosure is submitted to establish reduction to practice prior to the effective date of the cited Hauf et al reference, at least to the extent Hauf et al is relied upon by the Examiner.

Withdrawal of the Section 103 rejections is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required in this regard.

ANAND ET AL.
Appl. No. 10/563,042
Atty. Ref.: 620-406
Amendment
Monday, June 8, 2009

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100